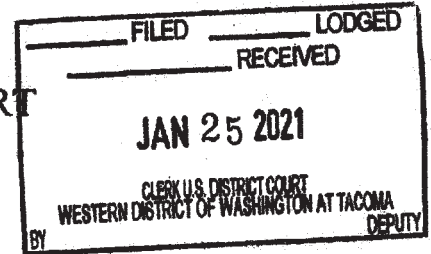


Rev. 3/19

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON



Justin Davey BKG 2020097005
Plaintiff's full name and prisoner number
See attached

Plaintiff,

v.

Case No. 21-cv-5068-JCC-MAT
(leave blank – for court staff only)

Pierce County

Chief Patti Jackson

Sheriff Ed Troyer
Defendant's/defendants' full name(s)

PRISONER CIVIL RIGHTS
COMPLAINT

See Attached Defendant(s).

Jury Demand?

☒ Yes
☐ No

(If you cannot fit all of the defendants' names in the space provided, please write "see attached" in the space above and attach additional sheets of paper, as necessary, with the full list of names. The names listed here must be identical to those in Section II. Do not include addresses here. **Individuals whose names are not included in this section will not be considered defendants in this action.**)

WARNINGS

1. Do not use this form if you are challenging the validity of your criminal conviction or your criminal sentence. If you are challenging your conviction or sentence, or if you are seeking restoration of good-time credits that would shorten your sentence, you must file a Petition for Writ of Habeas Corpus. If you use this form to challenge your conviction or sentence, you risk having your claim dismissed. Separate forms are available for filing a habeas petition.

2. Under the Prison Litigation Reform Act ("PLRA"), you are required to exhaust all remedies in your institution's grievance system that are available to you before filing suit. This generally means that you must file a grievance and, if it is denied, appeal it through all available levels of review. Your case may be dismissed if you fail to exhaust administrative remedies, unless the administrative grievance process was not "available" to you within the meaning of the PLRA. You are not required to plead or show that you have exhausted your claim in this complaint.

3. Please review your complaint carefully before filing. If your case is dismissed, it may affect your ability to file future civil actions while incarcerated without prepaying the full filing fee. Under the PLRA, a prisoner who has had three or more civil actions or appeals dismissed as frivolous, malicious, or for failure to state a claim cannot file a new action without first paying the full filing fee, unless the prisoner is in imminent danger of serious bodily injury.

4. Under Federal Rule of Civil Procedure 5.2, papers filed with the court, including exhibits or attachments to a complaint, may not contain certain information, which must be modified as follows:

Do not include:

- a full social security number
- a full birth date
- the full name of a minor
- a complete financial account number

Instead, use:

- the last four digits
- the birth year
- the minor's initials
- the last four digits

5. You may, but do not need to, send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint. Any documents you submit *must* relate directly to the claims you raise in this lawsuit. They will become part of the court record and will not be returned to you.

I. PLAINTIFF INFORMATION

Davey Justin A.

Name (Last, First, MI)

Aliases/Former Names

2020097005

Prisoner ID #

Pierce County Jail (Sheriff Department)

Place of Detention

910 Tacoma Ave S.

Institutional Address

Pierce Tacoma Washington

County, City

State

98402

Zip Code

Indicate your status:

- ☒ Pretrial detainee
- ☒ Civilly committed detainee
- ☐ Immigration detainee

- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

II. DEFENDANT INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page of the complaint. Attach additional sheets of paper as necessary.

Defendant 1:

County, Pierce

Name (Last, First)

Pierce County Council

Current Job Title

930 Tacoma Ave S. 10th Floor Room 1046

Current Work Address

Pierce, Tacoma Washington 98402

County, City

State

Zip Code

Defendant 2:

Jackson, Patti

Name (Last, First)

Chief Operations of the Sheriff Department Bureau

Current Job Title

910 Tacoma Ave S.

Current Work Address

Pierce, Tacoma Washington 98402

County, City

State

Zip Code

Defendant 3:

Troyer, Ed

Name (Last, First)

Pierce County Sheriff

Current Job Title

910 Tacoma Ave S.

Current Work Address

Pierce, Tacoma Washington 98402

County, City

State

Zip Code

I. Plaintiff Information

1. Ezra Fleming-Balston BKG# 2020139010

Pierce County Jail

910 Tacoma Ave S.

Pierce Tacoma Washington

II. Defendant information

The Identity and number of all defendants are Presently unknown to Plaintiff's.

At all times relevant hereto and in all of their actions described herein, each defendant is and was acting under Color of Law, Statute Authority, State Authority Custom, or Usage, and Pursuant to their official Authority.

Each defendant is Sued individually and in their official Capacity.

III. STATEMENT OF CLAIM(S)

In this section, you must explain what you believe each defendant did to violate your civil rights, and if you know, identify the federal statutory or constitutional right you believe was violated.

If you believe the defendant(s) violated your civil rights in more than one way, explain each violation under a different count. For example, if you believe you received constitutionally inadequate medical care and your religious rights were substantially burdened, include one claim under "Count I" (i.e., medical) and the other claim under "Count II" (i.e., religion).

Number your paragraphs. For example, in Count I, paragraphs should be numbered 1.1, 1.2, 1.3, etc., and in Count II, paragraphs should be numbered 2.1, 2.2, 2.3, etc. The first two paragraphs of each Count have been numbered for you.

If you have more than three counts, attach additional pages and follow the same format for each count.

If you attach documents to support the facts of your claim(s), you must specify which portion of the document(s) (i.e., page and paragraph) you are relying on to support the specific fact(s) of your claim(s). If you do not specify the portion of the supporting document(s), the Court may disregard your document(s).

COUNT I

Identify the first right you believe was violated and by whom:

1.1 Being held in inhumane and dangerously unsanitary conditions that Violate My 14th Amendment Due Process of Law, "Pierce County Jail"

State the facts of your first claim below. Include all the facts you consider important. Be specific about dates, times, locations, and the names of the people involved. Describe exactly what each specific defendant did or failed to do that caused you injury or violated your rights, and include any other facts that show why you believe what happened was wrong. If you need additional space, you may attach extra sheets.

1.2 Plaintiff Davey Suffers from a number of Psychological disorders and was moved on May 12th 2020 to Pierce County Jail's Mental Health Unit 3 North A unit, upon arriving into Cell 20, Davey noticed that the cell was in a very "toxic" condition;

Paper, Food and stuff all over the floor, hair, dried Mucus, SPit, Vomit and dried human waste in and on the toilet seat. The Stench of Sitting urine and feces was extremely nauseating.

1.3 Davey was given Cleansing Supplies but was denied Proper P.P.E. Such as gloves and was also denied a change of clothes when attempting to Sanitize the Cell "bodily waste" from toilet, Splashed onto Davey's clothes.

1.4 After falling asleep the night of May 12th 2020, Davey and Cell-Mate awake to breakfast around 4:30AM on May 13th 2020.

The Cell Smelled of urine and feces and "Davey" noticed that the toilet was once again full of wet and dried human waste. Davey immediately felt Sick and Couldn't eat.

1.5 Davey witnessed "Cell-mate" Sit on the toilet. The toilet still had feces around the edges after flushing. The Cell-mate ate breakfast on a unsanitary toilet.

1.6 Later that day, May 13th 2020, Davey noticed that urine and feces was back-filling into the Cells, "Davey's" toilet from the Cell next to his and from the floor above his.

State with specificity the injury, harm, or damages you believe you suffered as a result of the events you described above in Count I. Continue to number your paragraphs.

Exacerbated Mental illness, Psychological Distress, Physical Pains in chest, head and stomach. A Substantial Danger of getting an infectious disease. Sleepless night. Gave without eating - Vomiting,

1.7 The Situation that Plaintiff Davey has expressed is a continual issue through-out our unit.

1.8 Our unit's "Cell" toilets back-fill 2 to 3 times everyday and leave our unit with a constant smell of sitting urine and feces.

1.9 Davey would like to communicate to the court that according to documents received, on May 13th 2020, the Pierce County Superior Court entered an agreed 90 day order for competency Restoration Treatment.

1.10 Davey requested to be moved to a different cell do to increased Psychological Problems that were occurring. Having to cope with Hallucinations, Anxiety and delusions with the fear of contracting a disease from our sewer conditions was extremely difficult.

1.11 Davey was moved to cell "25" on May 18th 2020, where he was thrown into another toxic cell. The cell's toilet was completely saturated in feces and urine.

1.12 Davey was denied cleaning supplies for several hours and once again denied proper cleaning P.P.E.

1.13 Davey has been in several different cells in 3 North A unit and experiences constant sewage back-up in every cell. Cell 20, 25, 3, 17, 11, 18 and lastly Cell 6.

1.14 During a time called "Formal inspection" us Residents in this unit have communicated the conditions with different ranking officers (captain, Lieutenant, Sergeant, etc) but have been told that we are in an old building or that we just have to put up with it, or recently was told by Maintenance that "all shit flows down hill", or "its a shitty situation". Its funny how officials can joke about inhumane, unsanitary living conditions.

1.15 Davey would like to state that it is now the year 2021 and we are still everyday being exposed to dangerous amounts of bodily waste everyday and our unit is constantly exposed to the smell of feces and sitting urine.

1.16 Plaintiff Davey's love for the Mentally ill is immensely tender, Compassionate, Sympathetic, Kindhearted and firm, but I "Davey" lack the ability to fairly and adequately

Protect the interest of this Most Vulnerable Class because of His/My Mental illness.

1.17 Many of the Convicted, Pre-Trial or Civilly committed detainees or class of residents that occupy 3 North A Mental Health housing lack Major life Skills such as understanding "Right" from "Wrong", Caring for oneself, Performing Manual task, Communicating, Reading, Writing etc.

1.18 When these Mentally ill Residents enter our unit they are thrown in Cells that are described in Paragraph 1.2.

1.19 These Residents suffer in those toxic Situations for weeks and months without cleaning their Cells.

1.20 One Resident would sleep on the ground next to a toilet that leaked water from his toilet all over his floor, this toilet would back-fill with others bodily waste and he was oblivious to the dangers of human waste.

1.21 Plaintiff Davey now occupies that Cell "6/7" and will state that there is Mold under his toilet on the wall where toilet water from the Cell next to his constantly leaks on the floor. The Cell back-fills with bodily waste and has a constant Stench.

1.22 Davey Grieved the conditions and on 12-18-20 Maintenance came to My Cell 6/7 and 4/5 and Reported that there was no Problems.

1.23 Maintenance told Davey that our unit was the worst unit when it comes to our Piping but its an old building, "All Shit Boles down hill". Davey's toilet still leaks and the Problem was once again Silenced by officials.

1.24 Another Resident was actually threatened that if his bodily waste entered the cell next to his, he would get "beat up". So he was in constant Fear of being harmed if he used his toilet and waited up to 24 hours every other day to come out his Cell to use his restroom.

1.25 Not only are these Situations unsanitary, inhumane and dangerous for us with Mental Health issues to live in but we also have to Fear that when we use the Restroom, we might Potentially be harmed.

1.26 We live in a unit that is a breeding grounds for disease!

1.27 Our toilets constantly back-fill and overflow with bodily waste from other cells and units.

1.28 For months we have communicated the issues with our toilets and how its a substantial increased risk for the transmission of an infectious illness, a breeding grounds for disease that can lead to painful and torturous ailing sickness and psychological discomfort.

1.29 Unrequited, unreciprocated respect, care and regards to our safety, health, and security can be responsible for real physical pain and psychological injury.

1.30 This physical pain can be felt in your chest, head or stomach. You might throw-up (vomit) or have a hard time sleeping. Perhaps you cannot eat. Our mental health becomes exacerbated and a general depression sinks into our souls.

1.31 Sometimes the conduct of the correction officers are so extreme and motivated by evil that we cannot "psychologically" stop thinking about it and we begin to suffer, we cant eat, sleep nor find trust in other correction officers.

1.32 Did they ever stop to think how our condition and how their actions have and still do affect us.

1.33 We are not monsters or freaks as some of these correction officers have thought of us. We have the same feelings and emotions although some of us lack or have a defect in understanding them.

1.34 We are grieved when the officers turn away from our needs and continue to force us to live in unsanitary, inhumane and dangerous circumstances.

1.35 We are grieved when our mental health social workers fail to report the unsanitary conditions they see and the stench of how bad our sewage is.

1.36 We are grieved when our medical workers fail to report our problem by claiming that "its an old building".

1.37 We are grieved and we are vulnerable and therefore suffer more physical and emotional abuse at the hands of correctional officers and staff.

1.38 We are despised and completely ignored, a people with constant suffering and familiar with pain and injury, we have low self-esteem and because of that lack the courage to

Confront Tail Staff or afraid of Retaliation.

1.39 Our living condition is toxic and an increased, substantial risk for the transmission of infectious illness.

1.40 Why our Mental Health Social Workers have not reported these very noxious, unsanitary conditions is beyond any reasoning.

1.41 We mentally ill languish for months in these conditions while we wait for the outcomes of our Court Cases.

1.42 They say we must learn to accept the things we cannot change, but I believe we must endeavor to change the things we cannot accept.

1.43 We cannot accept these conditions any longer.

1.44 A dismissal based on failure to exhaust administrative remedies as required by U.S.C.S. Section 1997e(a) of PLRA should not be considered because many residents including Plaintiff Davey, are or have been found incompetent or lack major life skills such as "writing", "reading", "caring for oneself", understanding "Right" or "Wrong".

1.45 Pierre County Jail lacks signs and directions indicating a proper way to proceed with filing a grievance and lacks responding to grievances in a timely fashion. (Davey will show proof)

1.46 Davey has grieved the condition of our confinement.

1.47 Many residents are afraid of retaliation and will not participate in writing a statement about our conditions. Davey has not documented any officers names until the court appoints a lawyer because of retaliation issue.

1.48 Correction officers and staff have caused the residents of 3 North A Mental Health housing to be subjected to a deprivation of the residents:

1. Fourteenth Amendment Right to Freedom from Pre-Trial conditions constituting Punishment and or Causing Suffering.

2. Fourteenth Amendment Right to Freedom from Pre-Trial Conviction Punishment without due Process of law.

3. Fourteenth Amendment liberty interest and right to freedom from unjustified intrusion upon our physical security.

4. Fourteenth Amendment liberty interest and Right in bodily safety in the Circumstance Peculiar to our incarceration.

5. Fourteenth Amendment liberty interest to freedom from deprivation of life without due Process of law.

6. Fourteenth Amendment liberty interest in an expectation of Minimal Standards for the Physical Conditions of the Jail facility, and for treatment with respect to Safety, health, wellbeing, and Security.

1.49 Defending the indefensible. Help us.

1.50 Correction Officials have ignored an obvious and Serious danger by exposing its most Vulnerable Citizens to an unreasonable Risk of Harm.

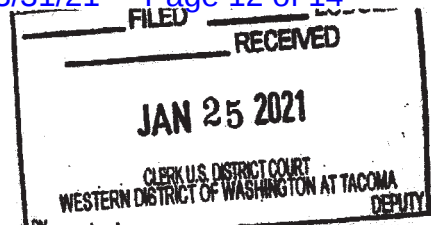
Justin Davney

Justin Davney

Ezra Fleming-Ralston

Ezra Fleming-Ralston

Included are Statements from Residents that have been exposed to the Same Conditions.

Relief

Cease housing the Mentally ill in Squalid and Deplorable Conditions that are exacerbating our Mental illness and Putting us at Risk for an infectious illness and to move said Residents of 3North A to a more Safe and healthy unit.

3. Plaintiff Davey ask the Court to Grant Compensatory Damages in the amount of \$2,000.00 Per day that they have held Plaintiff in 3North A unit against each defendant, Jointly and Severally.

4. Plaintiff Davey Seeks Punitive Damages in the amount of \$2,000.00 Per day that Defendants have held Plaintiff in 3North A unit against each defendant, Jointly and Severally.

5. Davey ask the Court to Start a Full investigation into 3North A Sewer and Pipe line.

The Mentally ill are deserving of the Protection of the Constitution that our Forefathers So carefully crafted. The Rights Protected can be difficult and sometimes costly to Secure; however, the Constitution is a guarantee to all People, and is not dependent upon a Price Tag. Pierce County must honor its obligation under the Law.

IV. RELIEF

State exactly what you want the Court to do for you. For example, you may be seeking money damages from an individual defendant, you may want the Court to order a defendant to do something or to stop doing something, or you may want both kinds of relief. Make no legal arguments. Cite no cases or statutes.

1. Granting Plaintiff Davey and Fleming-Balston a declaration that
the acts and omissions described herein violate our and others Rights under
the Constitution and Laws of the United States and,
2. A Preliminary and Permanent injunction ordering defendants to

V. SIGNATURE

By signing this complaint, you represent to the Court that you believe the facts alleged to be true to the best of your knowledge, that you believe those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

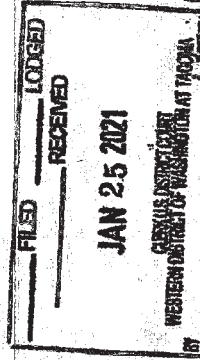
1-15-2021

Dated

Davey Justin
Plaintiff's Signature

Justin Davey

Justin Davey 2020097005
Pierce County Sheriff Dept.
910 Tacoma Ave S.
Tacoma, WA. 98402



United States District Court
United States Courthouse
1717 Pacific Ave, Room 3100
Tacoma, WA. 98402

MS 52311561